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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Plaintiff,

v.

ABBIE L. MILLER REVOCABLE TRUST U/A
DATED 2/16/89; ABBIE L. MILLER, individually
and in her capacity as Trustee of the Abbie L.
Miller Revocable Trust U/A dtd 2/16/89; and
NATHAN SACHS, in his capacity as Trustee of

Adv. Pro. No. 10-04922 (SMB)

the Abbie L. Miller Revocable Trust U/A dtd
2/16/89,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through their counsel, Baker & Hostetler LLP, and (i) Abbie L. Miller Revocable Trust U/A Dated 2/16/89; (ii) Abbie L. Miller, individually and in her capacity as Trustee of the Abbie L. Miller Revocable Trust U/A dtd 2/16/89 ((i) and (ii) collectively referred to as “Settling Parties”); and (iii) Nathan Sachs, in his capacity as Trustee of the Abbie L. Miller Revocable Trust U/A Dated 2/16/89 (collectively, the “Defendants”), by and through their counsel Allen Saeks and Blake Shepard of Stinson Leonard Street, LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Defendants.
2. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Settling Parties entered into a Settlement Agreement and Release on December 5, 2016.
3. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured

default under the terms of the Settlement Agreement. Upon the Trustee's receipt of the full Settlement Amount as set forth in the Settlement Agreement, and provided there is no default under the Settlement Agreement, this dismissal shall be deemed with prejudice.

4. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

5. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

6. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

[Remainder of this page intentionally left blank.]

Date: December 27, 2016
New York, New York

BAKER & HOSTETLER LLP

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Of Counsel:

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Dated: December 27, 2016
New York, New York

STINSON LEONARD STREET LLP

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Revocable Trust U/A Dated 2/16/89; Abbie L.
Miller, individually and in her capacity as
Trustee of the Abbie L. Miller Revocable Trust
U/A dtd 2/16/89; and Nathan Sachs, in his
capacity as Trustee of the Abbie L. Miller
Revocable Trust U/A dtd 2/16/89*

SO ORDERED:

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge